HE BOMBAY LEGISLATURE MEMBERS' SALARIES AND ALLOWANCES ACT, 1937 (BOM. III OF 1937).

G. N., L. D., No. 98, dated 5th January 1938 (B. G., Pt. IV-A, p. 35).

Bombay Legislature Members' Salaries and Allowances Rules, 1938.

Amended by G. N., L. D., No. 137-L, dated 1st July 1938.
Amended by G. N., L. D., No. 1776, dated 15th February 1939.
Amended by G. N., L. D., No. 1970, dated 27th February 1947.
Amended by G. N., L. D., No. 4309, dated 29th April 1947.
Amended by G. N., L. D., No. 9067, dated 6th September 1947.
Amended by G. N., L. D., No. 13454, dated 29th December 1947.
Amended by G. N., L. D., No. 10, dated 2nd January 1948.

In exercise of the powers conferred by the Bombay Legislature Members' Salaries and Allowances Act, 1937 (Bom. III of 1937), the Government of Bombay is pleased to make the following rules, namely :—

1. *Short title and commencement.*—(1) These rules may be called the Bombay Legislature Members' Salaries and Allowances Rules, 1938.

(2) They shall come into force with effect from 1st November 1937.

2. *Definitions.*—In these rules, unless there be anything repugnant in the subject or context,—

(*a*) " Act " means the Bombay Legislature Members' Salaries and Allowances Act, 1937 ;

(*b*) " Committee " means a committee of a House and includes a joint committee of the two Houses ;

(*c*) " Day " means a calendar day beginning and ending at mid-night ;

(*d*) " Member " means a member of the Assembly or the Council, as the case may be, but does not include a Minister, the President, the Speaker or a Parliamentary Secretary ;

(*e*) The words and expressions used in the Act and not defined in these rules shall have the meanings assigned to them in the Act.

3. *When member not entitled to salary.*—A member who is absent, without permission of the House, from all meetings of the House for a period of sixty days or more computed in the manner provided in article 190 of the Constitution, shall not be entitled to any salary payable under clause (*a*) of sub-section (*1*) of section 3 of the Act for the period of his absence.

4. *Travelling allowances.*—(1) A member who undertakes a journey for the purpose of attending the session of a House or the meeting of a Committee shall be entitled to draw travelling allowance at the rates mentioned below for the journeys to and from the place where such session or meeting is held :—

(*a*) For journeys performed by railway at one and half [1][first class] fare and by steamer at two first class fares or at one first class fare plus Rupees twenty-five, whichever is less ;

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[1] The amendment came into force with effect from 5th February 1949.

(*b*) For journeys performed by road, sea, river or canal, in a steam launch or in any vessel other than a steamer, at the rate of [1]five annas per mile :

Provided that if the member performs the journey by road in a hired conveyance, the actual cost incurred by him for hiring the conveyance, in whole or part, shall be drawn, subject to the maximum rate of [1]five annas per mile.

(2) The allowance to be drawn under sub-rule (1) shall not exceed the amount of the allowance that would be admissible to a member for a journey performed by the shortest route from or to the place where he ordinarily resides or carries on his business to or from the place where the session of a House or the meeting of a Committee is held.

Explanation.—The shortest route shall be that by which a member can most speedily reach his destination by the ordinary modes of travelling, provided that if there are two or more such routes, that which is the cheapest shall ordinarily be deemed to be the shortest route. In case of doubt in any case, the State Government shall decide which shall be regarded as the shortest route and such decision shall be final.

(3) Save as provided in rules 7, 8 and 8-A a member may draw travelling allowance only for the journey undertaken by him when first proceeding to attend the session of a House or the meeting of a Committee and for his return journey after the close of such session or meeting.

(4) Notwithstanding anything contained in this rule, if a meeting of a committee is called when a House is in session, a member shall not be entitled to draw travelling allowance for a journey undertaken by him for the purpose of attending such meeting if he has already drawn travelling allowance for the journey performed by him for attending the session of the House.

5. [*Deleted.*]

6. *Member not entitled to allowances if he fails to attend for prescribed period.*—Notwithstanding anything contained in rule 4, a member shall not be entitled to travelling allowance for a journey performed by him for the purpose of attending the meeting of a committee unless he attends the meeting for not less than one whole day, or to conveyance allowance for attending such meeting for any day on which he fails to attend the meeting for at least half the period of its duration on that day :

Provided that Government may sanction the grant of these allowances if failure to attend the meeting for the prescribed period is satisfactorily explained.

Explanation.—For the purposes of this rule, a member shall be deemed to have attended the meeting for one whole day if he attends any meeting for more than half the period of its duration on any day.

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[1] During the period commencing from the 1st day of May 1949 and ending on the 31st day of March 1950, the Bombay Legislature Members' Salaries and Allowances Rules, 1938, shall have effect as if in clause (*b*) of sub-rule (1) of rule 4 thereof for the word "five" wherever it occurs, the word "seven" had been substituted. This rate will continue in force until the rate of the allowance specified in clause (*b*) of sub-rule (1) of rule 4 is determined by the Bombay Legislature by law.

7. *Travelling Allowance when a session or a meeting is adjourned for ten days or more.*—If any session of a House or a meeting of a Committee is adjourned for ten days or more, a member shall, notwithstanding anything contained in rule 4, be also entitled to draw—

(*a*) if he leaves the place where the session or meeting is held during such period, travelling allowance at the rates admissible under rule 4 for the journey performed by him, after the adjournment of the session or the meeting and also for the journey performed by him to attend the adjourned session or meeting;

(*b*) [*Deleted.*]

8. *Travelling Allowance in cases where a session or a meeting is adjourned for less than ten days.*—If a session of a House or a meeting of a Committee is adjourned for less than ten days, a member shall be entitled to draw—

(*a*) [*Deleted.*]

(*b*) if he leaves such place during such period, travelling allowance at the rates mentioned in rule 4 but not exceeding the amount of daily allowance that was admissible to him immediately before the commencement of the Constitution, if he remained at such place during such period.

8-A. *Travelling Allowance in cases where a meeting of a committee is called at any time within ten days before the commencement of a session or within ten days after the adjournment or prorogation of a session.*—(1) If a meeting of a committee is called within ten days before the commencement of a session, a member who has drawn travelling allowance for the journey performed by him for the purpose of attending such meeting shall be entitled to draw—

(*a*) [*Deleted.*]

(*b*) if he leaves such place during such period, travelling allowance at the rates admissible under rule 4 for the journey performed by him after the adjournment or close of the meeting, as the case may be, and also for the journey performed by him for attending the session, but not exceeding the amount of daily allowance that was admissible to him immediately before the commencement of the Constitution, if he remained at such place during such period.

(2) If a meeting of a committee is called within ten days after a session of a House has been adjourned or prorogued, a member who has drawn travelling allowance for the journey performed by him for the purpose of attending such session shall be entitled to draw—

(*a*) [*Deleted.*]

(*b*) if he leaves such place during such period, travelling allowance at the rates admissible under rule 4 for the journey performed by him after the adjournment or prorogation of the session, as the case may be, and also for the journey performed by him for attending such meeting, but not exceeding the amount of daily allowance that was admissible to him immediately before the commencement of the Constitution, if he remained at such place during such period.

9. *Allowance not to be drawn if it is already drawn in another capacity.*—Notwithstanding anything contained in these rules, a member shall not draw travelling or conveyance allowance admissible under these rules if for the same journey, the same halt or the same attendance he has drawn travelling or conveyance allowance, as the case may be, from the Government Treasury in another capacity.

10. (1) *Travelling allowance may be drawn in advance.*—Members may draw travelling allowance for their final return journey before the completion of such journey.

(2) *Conveyance allowance not to be paid in advance.*—A conveyance allowance shall not be paid in advance to any member.

11. *Audit of bills.*—(1) A bill claiming travelling or conveyance allowance or both, shall be sent by the member concerned direct to the Accountant General, Bombay.

(2) Before the Bill is submitted to the Accountant General the member concerned shall give a certificate in the following form on the bill :—

"Certified that I have not already drawn travelling allowance for the same journey or conveyance allowance for the same attendance in another capacity."

(3) A member claming travelling allowance for a journey performed by him for attending the meeting of a Committee shall certify that he attended such meeting for at least one whole day.

(4) [*Deleted.*]

(4-A) [*Deleted.*]

(4-B) A member claiming travelling allowance for any session of the House or meeting of the Committee shall also certify that he does not ordinarily reside or carry on business at the place where the said session or meeting is held.

(5) If a member performs a journey by road in a hired conveyance, he shall certify on the bill that the allowance claimed by him for the journey by road does not exceed the actual cost incurred by him for hiring the conveyance.

(6) The Accountant General shall audit all such bills and then authorise payment from the treasury from which the member desires payment to be made.

12. *Secretary to House to furnish information to Accountant General.*—The Secretary to the House shall, after the close of every session of the House or the meeting of a Committee, furnish the Accountant General, Bombay, with full information regarding the number of days of attendance of each member and the duration of the session or meeting, as the case may be.